

ORDINANCE NO. 09-72

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A WAIVER OF PLAT PURSUANT TO HIALEAH CODE §98-831; GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 50%, WHERE A MAXIMUM OF 40% IS ALLOWED; ALLOW A FRONT SETBACK OF 19 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND ALLOW A REAR SETBACK OF 18 FEET, WHERE AT LEAST 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-589, 98-591, AND § 98-2056(b)(2). **PROPERTY LOCATED AT 5680 WEST 20 COURT, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 12, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a waiver of plat pursuant to Hialeah Code §98-831, allow a lot coverage of 50%, where a maximum of 40% is allowed, allow a front setback of 19 feet, where at least 25 feet are required, and allow a rear setback of 18 feet, where at least 20 feet are required, contra to Hialeah Code §§ 98-589, 98-591, and 98-2056(b)(2), which provide in pertinent part: "In the R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures, at a

lesser distance, but in no case shall the front yard be less than 15 feet.”, “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”, and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.” respectively. Property located at 5680 West 20 Court, Hialeah, Miami-Dade County, Florida, zoned R-3-4 (Multiple Family District), and legally described as follows:

LOT 11, IN BLOCK 4, OF MICHELLE JARDINS,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 127, PAGE 44, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

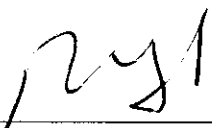
PASSED and ADOPTED this 8th day of September, 2009.

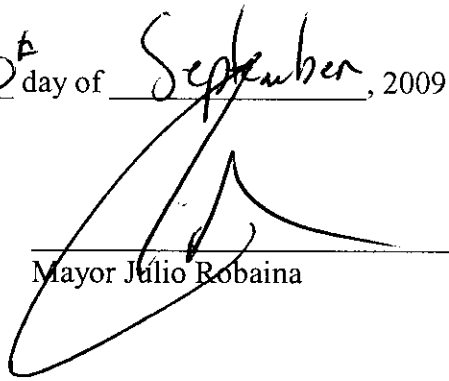
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

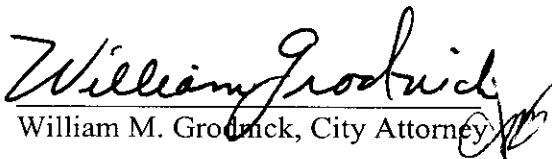
Attest:

Approved on this 10th day of September, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez, Yedra voting "Yes" and Councilmember Gonzalez absent.